

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



October 25, 1985

ALL COUNTY INFORMATION NOTICE NO. I-84-85

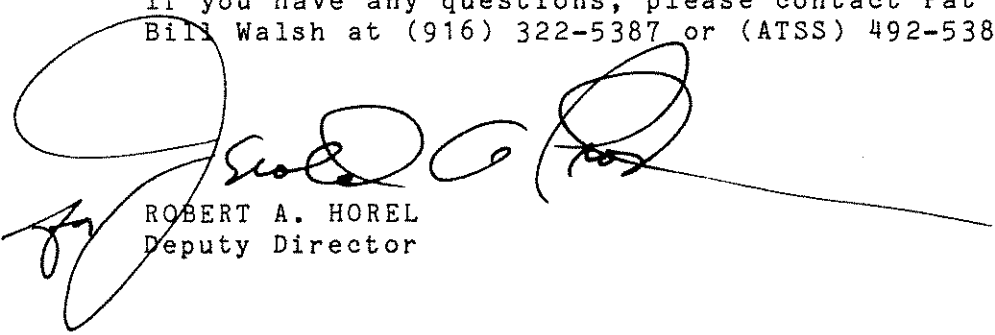
TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: Simon v. McMahon

This is to inform you that on October 17, 1985 the California Supreme Court issued an order in the case of Simon v. McMahon. The Simon case, which was originally filed in Contra Costa Superior Court, is currently pending in the Court of Appeal (First Appellate District, Division One). While awaiting the disposition of the appeal, the Supreme Court has prohibited the Department, through the order issued October 17, 1985, from enforcing the regulations challenged in Simon. Specifically, the Department is enjoined from requiring the consideration of income and resources of potentially eligible children in determining eligibility for and the amount of the AFDC grant when the income and/or resource is restricted to the use and benefit of a particular child (e.g., Social Security payments, child support, etc.).

An All-County Letter with instructions for implementing the Supreme Court order will be sent as soon as possible. In the meantime, we suggest you flag all cases in which, as a result of applying the challenged regulations (MPP 40-118.11, 42-213.2q, 44-205.413 and 44-205.42), AFDC was denied, terminated, or reduced on or after October 17, 1985 due to the receipt of restricted income.

If you have any questions, please contact Pat Sutherland or Bill Walsh at (916) 322-5387 or (ATSS) 492-5387.


ROBERT A. HOREL
Deputy Director